REMARKS

Applicant is in receipt of the Office Action mailed June 29, 2004. Claims 27 – 59 were rejected. Claims 31, 34, and 35 have been cancelled. Claims 27 – 30, 32, 33, and 36 – 59 remain pending in the application.

Section 102 Rejections

Claims 55 – 59 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,298,474 to Blowers et al. (hereinafter "Blowers"). Applicant respectfully traverses this rejection.

The Office Action of June 29, 2004 states that, "The Examiner respectfully points out that Applicant's claim terminology of 'programmatically determining one or more suggested changes' is not synonymous with and does not require automatically generating suggested changes." Applicant notes that the terminology of "programmatically determining one or more suggested changes" was intended to mean automatically determining or generating the suggested changes, as described in the specification of the present application.

Claim 55 has been amended to recite "automatically generating one or more suggested changes to the image processing algorithm". In other words, the program instructions of the memory medium are executable to automatically generate one or more suggested changes to the image processing algorithm and display information indicating the one or more suggested changes. Blowers does not teach or suggest these features. In the rejection of claim 55 the Office Action cites the "Stop Results By" and "Stop Result Count" GUI input fields in the dialog box of FIG. 7 of Blowers. However, the "Stop Results By" and "Stop Result Count" fields and other GUI input fields in the dialog box of FIG. 7 merely allow the user to set various values according to the user's desire. It is entirely up to the user as to how to adjust these values. Displaying a GUI input field that allows a user to set a value does not constitute automatically generating a suggested change to an image processing algorithm and displaying information indicating the suggested change. Applicant thus respectfully submits that claim 55 is allowable.

Since claims 56 – 58 are dependent upon claim 55, Applicant submits that these claims are also allowable for at least this reason. Applicant also notes that claims 56 – 58

recite additional limitations that are not taught or suggested by Blowers, and no reasoning for the rejection of these claims is given in the Office Action. Inasmuch as amended claim 59 recites similar features as claims 55 and 56, Applicant submits that this claim is also allowable.

Section 103 Rejections

Claims 47, 49 – 51, 53, and 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,298,474 to Blowers et al. in view of U.S. Patent No. 5,724,494 to Politis. Applicant respectfully traverses this rejection.

Claim 47 has been amended to recite the additional limitation of, "receiving user input specifying desired execution time criteria for the image processing algorithm". This feature is not taught by either Blowers or Politis. Applicant thus submits that amended claim 47 is allowable.

Also, the Office Action states that Blowers discloses programmatically changing the image processing algorithm. However, claim 47 has been further amended to recite, "automatically changing the image processing algorithm based on the specified execution time criteria". Blowers does not disclose automatically changing an image processing algorithm, and certainly does not teach automatically changing an image processing algorithm based on user-specified execution time criteria.

Politis also does not teach automatically changing an image processing algorithm based on user-specified execution time criteria. In fact, Politis does not teach automatically changing an image processing algorithm at all. Politis relates generally to a system and method for creating images (Abstract, Col. 3 lines 52 – 54). In contrast, an image processing algorithm manipulates, processes, or analyzes an existing image, as described in the Description of the Related Art of the present application. Politis does not teach the concept of such an image processing algorithm. Applicant submits that the field of image creation is non-analogous art from the field of image processing and submits that the Examiner has relied on non-analogous art in making the 103(a) rejection for claim 47.

Applicant thus respectfully submits that amended claim 47 is allowable. Since claims 48 – 50 are dependent upon claim 47, Applicant submits that these claims are also

allowable for at least this reason. Applicant also notes that claims 48 – 50 recite additional limitations that are not taught or suggested by Blowers or Politis. For example, as per claim 50, neither of the cited references teaches <u>automatically</u> changing a number of pixels used in an image processing function in an image processing algorithm. Applicant thus submits that claims 47 – 50 are allowable. Also, inasmuch as amended claims 51 – 54 recites similar features as claims 47 – 50, Applicant submits that these claims are also allowable.

Claims 27 – 30, 33 – 44, and 46 were rejected under 35 U.S.C. 103(a) as being unpatenable over U.S. Patent No. 6,298,474 to Blowers et al. in view of U.S. Patent No. 5,293,429 to Pizano et al. (hereinafter "Pizano"). Applicant respectfully traverses this rejection.

Claim 27 has been amended to recite the additional limitation of, "categorizing the plurality of image processing functions into a plurality of image processing categories, wherein each image processing category includes one or more of the image processing functions". For example, the specification of the present application describes exemplary image processing categories such as morphology operations, filtering operations, color manipulation operations, pattern matching operations, etc. Thus, for example, each image processing function in the plurality of image processing functions that performs a morphology operation may be categorized into a first category, each image processing function that performs a color manipulation operation may be categorized into a second category, etc. The concept of categorizing a plurality of image processing functions into a plurality of image processing categories is not disclosed in Blowers or Pizano. Applicant thus submits that amended claim 27 is allowable.

Claim 27 has also been amended to recite the additional limitations of "for each of the plurality of images, measuring an amount of time that elapses during said executing the image processing algorithm for each of the plurality of image processing categories", and "programmatically determining an average amount of time that elapses during said executing the image processing algorithm for each of the plurality of image processing categories", and "displaying information on the display device indicating the average amount of time that elapses during said executing the image processing algorithm for

each of the plurality of image processing categories". None of these features are taught by either Blowers or Pizano. In the rejection of claim 35 (now cancelled), which recited similar features, the Office Action cites FIG. 9 of Blowers and the description of "TimeTaken" in the table of Col. 13. However, the description of "TimeTaken" in Col. 13 states, "Returns the time taken by the Use function on the last use". Thus, the "TimeTaken" value pertains to an individual function or task, not a category which can include multiple functions or tasks. Also, the "Sequence 33 Results" box of FIG. 9 lists Time Taken results for each of the individual tasks in Blowers' sequence. See, for example, the tree view on the left side of FIGS. 8 and 9, which lists the individual tasks in the sequence. The "Sequence 33 Results" box of FIG. 9 lists Time Taken results for these same components. The Time Taken results are not shown categorized in a plurality of image processing categories, and the individual tasks in the sequence are not described in Blowers' specification as being categorized into a plurality of image processing categories.

Amended claim 27 also recites the limitations of "displaying information on a display device indicating the average amount of time required to execute the image processing algorithm for the plurality of images" and "displaying information on the display device indicating the average amount of time that elapses during said executing the image processing algorithm for each of the plurality of image processing categories". These features are not taught by either Blowers or Pizano. As described in the response to the previous Office Action, FIG. 11 is merely a drawing that forms a part of Pizano's patent disclosure. The data illustrated in FIG. 11 is not described in Pizano as being displayed on a display device as part of a computer-implemented method.

Applicant thus submits that amended claim 27 is allowable. Since claims 28 – 30, 32, 33, and 36 – 40 are dependent upon claim 27, Applicant submits that these claims are also allowable for at least this reason. Applicant also notes that claims 28 – 30, 32, 33, and 36 – 40 recite additional limitations that are not taught or suggested by Blowers or Politis. For example, claim 37 recites the additional limitation of "automatically generating a graphical data flow diagram that implements the image processing algorithm." Neither of the cited references teaches the concept of a graphical data flow diagram, and the references certainly do not teach the automatic generation of a graphical

data flow diagram to implement an image processing algorithm. Applicant thus submits that claims 27 – 30, 32, 33, and 36 – 40 are allowable. Also, inasmuch as amended claims 41 – 46 recite similar features as claims 27 – 30, 32, 33, and 36 – 40, Applicant submits that these claims are also allowable.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-45000/JCH.

Also enclosed herewith are the following items:

☒ Request for Continued Examination
☒ Return Receipt Postcard

Respectfully submitted,

Jeffrey C. Hood
Reg. No. 35,198
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Date: _____11/23/2004_____ JCH/JLB